

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-28 are pending in this application. The drawings were objected to for informalities. The Title was noted as not descriptive. The specification was objected to for informalities. Claims 1-28 were objected to for informalities. Claims 20-28 were rejected under 35 U.S.C. § 112, first paragraph. Claims 1-28 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1 and 10 were rejected under 35 U.S.C. § 103(e) as anticipated by U.S. patent 6,483,792 B1 to Yamamoto et al. (herein "Yamamoto '792"). Claims 11, 12, 14, 15, 18-21, 23, 24, and 26-28 were rejected under 35 U.S.C. § 102(a) as anticipated by EP 0980069 A2 to Fujiki. Claims 1, 2, and 9 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 6,078,552 to Yamamoto (herein "Yamamoto '552") in view of Fujiki. Claims 4, 5, and 8 were rejected under 35 U.S.C. § 103(a) as unpatentable over Yamamoto '552 in view of Fujiki in further view of U.S. patent 5,661,707 to Matsui.

Addressing first the objection to the drawings, that objection is obviated by the present response. More particularly, the specification is amended at page 8, lines 20-21, to no longer recite the term "SD". Thus, the drawings are believed to show all features set forth in the specification.

Addressing the objection to the Title, a new Title is submitted herein.

Addressing the objection to the specification noted in paragraph 4 of the Office Action, the specification is amended as suggested in that paragraph.

Addressing the objection to claims 1-28 as noted in paragraph 5 of the Office Action, the claims are amended as suggested in that paragraph.

Addressing the rejection of claims 20-28 under 35 U.S.C. § 112, first paragraph, the claims are amended by the present response to address that rejection. More specifically, the claims are amended to no longer recite the term "dual-identify". Thus, claims 20-28 are now

believed to be in full compliance with all requirements under 35 U.S.C. § 112, first paragraph.

Addressing the rejection of claims 1-28 under 35 U.S.C. § 112, second paragraph, that rejection is traversed by the present response.

Each instance of unclear claim language noted in paragraph 7 of the Office Action is amended by the present response, along the lines of the suggestions set forth in paragraph 7 of the Office Action. With regard to certain claims in which the Examiner indicated that it could not be determined what the applicant wished to claim, for example claim 3, those claims are amended to delete the language found as unclear.

With respect to claims 11-19 those claims are amended by the present response to now be rewritten as product-by-process claims as suggested in paragraph 8 of the Office Action.

In view of the presently submitted claim amendments, each of the claims is believed to be in full compliance with all requirements under 35 U.S.C. § 112, second paragraph.

Addressing now the rejection of claims 1 and 10 under 35 U.S.C. § 102(e) as anticipated by Yamamoto '792, that rejection is traversed by the present response.

The above-noted grounds for rejection is traversed as Yamamoto '792 is not believed to fully meet the features of independent Claims 1 and 10.

Specifically, independent Claim 1 recites maintaining a predetermined minimum length of a pit row or a mark row to which one bit of sub-data is allocated to be long enough such that a local change to the pit row or mark row will not affect the main data and sub-data from being correctly reproduced. Yamamoto '792 at the noted column 2, lines 22-29, discloses controlling superimposing second information onto a modulation signal to not influence detection results. However that portion in Yamamoto '792 does not address maintaining a minimum length of a pit row or mark row to achieve beneficial results.

Thus, independent Claims 1 and 10 are believed to distinguish over the teachings in Yamamoto '792.

Applicants also note that Yamamoto '792 is not a valid reference against the pending claims under 35 U.S.C. § 103 by virtue of the common assignment of the present application in Yamamoto '792.

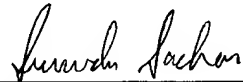
Addressing now each of the further rejections, applicants note that each of the further rejections is based on Fujiki or relies on the teachings in Fujiki. However, applicants note that Fujiki has a publication date of February 16, 2000, which is subsequent to applicants' priority date of July 14, 1999, of the present application. To perfect applicants' priority date applicants submit herewith a certified translation of the priority document of the present application, which perfects applicants' priority date of July 14, 1999. By virtue of perfecting that priority date Fujiki is no longer a valid reference against the pending claims.

Thus, each of the further rejections, which all rely on Fujiki, are also traversed by the present response.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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